

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: :
SOUTHSTAR FUNDING LLC : CASE NO. 07-65842
Debtor : CHAPTER 7
: JUDGE: PAUL W. BONAPFEL
:
:
HSBC BANK USA, NATIONAL :
ASSOCIATION, AS TRUSTEE FOR WELLS :
FARGO ASSET SECURITIES CORPORATION :
HOME EQUITY ASSET-BACKED :
CERTIFICATES, SERIES 2005-2, : CONTESTED MATTER
Movant :
v. :
SOUTHSTAR FUNDING LLC :
HARRY W. PETTIGREW, Trustee
Respondents

NOTICE OF HEARING

PLEASE TAKE NOTICE that Movant has filed a Motion for Relief from the Automatic Stay and related papers with the Court seeking an Order Granting Motion for Relief from Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from the Automatic Stay in Courtroom 1401, 75 Spring Street, Atlanta, Georgia 30303 at 10:00 A.M. on September 30, 2009.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, United States Bankruptcy Court, 75 Spring Street, Suite 1340, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated:

AUG 26 2009



Richard H. Siegel
Bar No. 645825
Counsel for Movant
McCalla Raymer, LLC
1544 Old Alabama Road
Roswell, Georgia 30076
(770) 643-2148

File No. WELLSB-09-32491

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) BANKRUPTCY CASE
)
SOUTHSTAR FUNDING LLC) NO. 07-65842
)
 Debtor)
)
-----)
HSBC BANK USA, NATIONAL) JUDGE: PAUL W. BONAPFEL
ASSOCIATION, AS TRUSTEE FOR)
WELLS FARGO ASSET SECURITIES)
CORPORATION HOME EQUITY ASSET-)
BACKED CERTIFICATES, SERIES)
2005-2) CHAPTER 7
 Movant)
)
vs.)
)

SOUTHSTAR FUNDING LLC
HARRY W. PETTIGREW, Trustee

Respondents

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant and shows this Court the following:

1.

This is a Motion under Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and by the applicable contracts, including, but not limited to, the right to foreclose on certain pieces of real property.

2.

Movant is the holder or servicer of loans secured by the properties listed on the attached Schedule. Each property is security for a Promissory Note. The names of the respective Borrowers, as known to Movant, are listed beside each property address.

3.

Movant believes that Debtor holds or services a loan on each of the properties listed, and that Debtor's lien on each property is inferior to Movant's lien.

4.

Each of the loans held or serviced by Movant is delinquent, and Movant seeks to initiate, continue and/or conclude foreclosure actions on each of the properties listed, in accordance with State law and its contracts. Movant seeks relief from the automatic stay because it believes Debtor has an interest in each of the properties, and foreclosure of any property would extinguish Debtor's lien thereon.

5.

Movant shows that most of these properties have little or no equity which will benefit the Estate. Movant is therefore not adequately protected.

WHEREFORE, Movant prays for an Order lifting the automatic stay, authorizing Movant to exercise its rights under its Notes, Security Instruments, and appropriate state statutes, including, but not limited to, the right to initiate, continue and foreclose on these properties, if appropriate. Movant prays for such other and further relief as is just and equitable.



RICHARD H. SIEGEL, BAR NO. 645825
Attorney for Movant

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1544 Old Alabama Road
Roswell, Georgia 30076-2102
(770) 643-2148
(800) 845-8633

BANKRUPTCY CASE NO. 07-65842

CHAPTER 7

JUDGE: PAUL W. BONAPFEL

CERTIFICATE OF SERVICE

I, of McCalla Raymer, LLC, 1544 Old Alabama Road, Roswell, Georgia 30076-2102, certify:

That on the date below, I served a copy of the within NOTICE OF ASSIGNMENT OF HEARING, together with the "MOTION FOR RELIEF FROM THE AUTOMATIC STAY" filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, postage prepaid, unless another manner of service is expressly indicated:

SouthStar Funding, LLC
400 Northridge Road
Suite 1000
Atlanta, GA 30350

J. Robert Williamson, Esquire
Scroggins and Williamson
1500 Candler Building
127 Peachtree Street, Northeast
Atlanta, GA 30303

J. Michael Lamberth
Lamberth, Cifelli, Stokes, Ellis & Nason, PA
Suite 550
3343 Peachtree Road, NE
Atlanta, GA 30326

Harry W. Pettigrew, Trustee
Post Office Box 4030
Decatur, GA 30031

Adam C. Simpson
16 Kirchner Avenue
Hyde Park, NY 12538

Adam C. Simpson
3 Rabbit Trail Road
Poughkeepsie, NY 12603

Robert N. Burt
60016 Jug Shop Road
Smithville, MS 38870

Carrie D. Burt
60016 Jug Shop Road
Smithville, MS 38870

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

Executed on AUG 26 2009 By: *Richard H. N*
(date) RICHARD H. SIEGEL, BAR NO. 645825
Attorney for Movant

<u>BORROWER'S NAME</u>	<u>PROPERTY ADDRESS</u>	<u>ESTIMATED PAYOFF</u>	<u>ESTIMATED VALUE</u>
Burt, Robert N. & Carrie D.	60016 Jug Shop Road, Smithville, MS 38870	\$ 52,589.92	\$ 70,000.00
Simpson, Adam	16 Kirchner Avenue, Hyde Park, NY 12538	\$ 197,755.52	\$ 155,000.00